IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13119 of 2003

with

SPECIAL CIVIL APPLICATION No 13664 of 2003

For Approval and Signature:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VASTUSHIL BUILDERS PVT. LTD.

Versus

A.E.C. LTD.

Appearance:

MR VK JOSHI & MR SUDHIR MEHTA for Petitioners

MR KB PUJARA for AEC

MR RM CHHAYA for AMC

MR DN PATEL for AUDA

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

Date of decision: 18/09/2003

COMMON ORAL JUDGEMENT

(Per : HON'BLE THE CHIEF JUSTICE)

1. We propose to dispose of this group of two petitions, by a common order, since the question for determination and decision is common, with the consent of counsel of respective parties.

2. Rule. Service of Rule is waived by learned counsel for the respondents.

3. The petitioners are occupants in `high rise buildings'. They have not been provided electricity connection, therefore, they submit that the respondents be directed to provide electricity connection to their premises. Before electricity connection is provided, occupants have to seek `no objection certificate' from the Ahmedabad Urban Development Authority (AUDA) / Ahmedabad Municipal Corporation (AMC), which has been granted in these cases with respect to installation of fire safety measures. Therefore, the only thing left is providing electricity connection to their premises. For this purpose they have to apply to the Ahmedabad Electricity Company Limited (AEC). The matter is, therefore, disposed of with the following directions:-

(1) The petitioners will apply to AUDA/AMC for `Building Use Permission' within a week. AUDA/AMC will decide such applications within four months.

(2) The petitioners/occupants who have not applied to AEC for domestic electricity connection on proper application/form/format will do so within fifteen days seeking electricity connection to their premises and pay usual charges. Electricity connection shall be provided by AEC within three weeks. The petitioners will file undertaking with AEC to the effect that in the event of `Building Use Permission' not being granted by AUDA/AMC to them, electricity connection could be disconnected on information to this effect being supplied by AUDA/AMC to AEC.

4. It is made clear that those petitioners who have already applied on proper form and paid usual charges will not be called upon to apply and pay afresh. These petitions are disposed in terms aforesaid. Rule is made

absolute. Direct service is permitted.

(BHAWANI SINGH)
CHIEF JUSTICE

(J.N.BHATT)
JUDGE

(sunil)